REMARKS

The following amendments and remarks respond to the final Official Action mailed on February 24, 2009. An RCE is submitted herewith. Claims 1-2 and 5-12, as amended, remain pending.

The Examiner has rejected the pending claims under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description and enablement requirements with respect to the term "nonsequential final scene." Applicant respectfully disagrees that the disclosure of the invention fails to teach one of ordinary skill in the art what is meant by a "superimposable and nonsequential final scene" as previously claimed. As explained in Applicant's prior amendment, the term nonsequential was added to distinguish over the Klingler reference which strings together movie clips sequentially in time with effects to be applied across one or more sequential movie clips. Further, Figs. 16C-F merely show individual final scenes, each formed by turning on or off each of the shared scenes shown in Figs. 16A and 16B. Each final scene, such as final MHEG Scene 2 of Fig. 16D, is itself nonsequential since it does not consistent of shared scene 1 placed adjacent in time (i.e., sequentially) next to shared scene 2. Rather, the shared scenes are superimposed on one another. In any event, Applicant has now deleted the term "nonsequentuial" from the claims, and the remaining term superimposable still distinguishes the invention from Klingler, which does not superimpose shared scenes in accordance with the claimed invention. Thus, Applicant requests that the § 112 ¶ 1 rejection now be withdrawn.

The pending claims have also been rejected again under 35 U.S.C. § 102(b) based on U.S. Patent No. 5,682,326 to Klingler et al. ("Klingler"). The Examiner's position is that Klingler teaches the organization and display of clips in a project window andthat the clips contain independent layered objects

such as video, titling, audio, effects, etc. that make up the movie, which is to be displayed, and that the user individually selects the objects found in the clips to be presented in a final video. (Office Action, p.9.)

First, Applicant still disagrees with the Examiner's position and reading of Klingler. Klingler differs from the claimed invention in that it presents to the editor movie clips to be strung together *sequentially in time* with different possible effects (deemed by the Examiner to be "objects") to be applied across one or multiple sequential movie clips. Each clip does not have its own objects such that the editor can, for example, take clip A with an added effect 1, and clip B with added effects 2 and 3, and superimpose both clips to form a superimposed new clip (clip A overlaid upon clip B) with all of added effects 1-3 now being displayed.

By contrast, in accordance with the present invention, the editor is provided with shared scenes that include shared objects (such as the object "ob1" in Fig. 16A) that are normally controlled independently to be displayed in a final scene, without regard to a shared scene. In the past, the more difficult way an editor would create a final scene, such as MHEG scene 2 of Fig. 16D, would be to decide when to turn each individual object on or off for display in given final scene. However, as described, for example, in paragraphs [0267]-[0268] of the present application, the editor would need to have sufficient knowledge of the object scripting language to enable editing work done using only shared objects, on an object-by-object basis. Such prior editing tools only had the functionality of turning a shared object on or off simultaneously for all scenes, which made it difficult for the editor to utilize a *shared object* effectively among the various scenes. With the present invention, the editor can carry out editing work using *shared scenes that are superimposable to*

create a single, superimposed final scene, as opposed to working with the objects alone. These final superimposed scenes simultaneously display all of the shared objects in each of the combined shared scene. As a result of the selection of shared scenes, the editor can create a single, superimposed final scene with the objects that he or she wants displayed without worrying about scripting needed to selectively turn shared objects on or off.

Second, Applicant has now amended all of the independent claims to include a further distinguishing feature over Klingler, which fails to disclose the concept of converting a description of a scene with shared scenes to a description of a scene without the shared scenes. Thus, the claims now include the language that *"the superimposed final scenes are described by the combination of one or more shared scenes and one or more of the shared objects based on the internal format, and the converted control information is described based on one or more of the shared objects without the shared scenes."*

In view of the amendments and remarks, Applicant respectfully submits that the presently presented claims patentably distinguish over Klingler and the rejection of the claims under § 102(b) based on Klingler should be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.
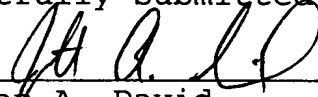
If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 26, 2009   Respectfully submitted,

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